

Justin E. Sterling, State Bar No. 249491
LAW OFFICES OF JUSTIN STERLING
Justin@SterlingDefense.com
15760 Ventura Blvd. Suite 700
Encino, CA 91436
Tel. (818) 995-9452/Fax. (818) 824-3533

Erin Darling, State Bar No. 259724
LAW OFFICES OF ERIN DARLING
Erin@ErinDarlingLaw.com
3435 Wilshire Blvd. Suite 2910
Los Angeles, CA 90010
Tel. (323) 736-2230
Attorneys for Plaintiff Dora Solares

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DORA SOLARES, an individual,

Plaintiff,

V.

RALPH DIAZ, in his individual capacity,
KENNETH CLARK, in his individual
capacity, JOSEPH BURNS, in his
individual, and DOES 1 TO 15, in their
individual capacities

Defendants.

Case No. 1:20-cv-00323-LHR-BAM

ORDER RE: PLAINTIFF'S SUBPOENA TO OIG

BACKGROUND:

On May 5, 2025, Plaintiff Dora Solares served a subpoena on the Office of the Inspector General (OIG), which included seven different requests for documents. On May 21, 2025, the OIG submitted its letter brief to the Court, arguing that the requested records fall into two distinct categories: first, responsive to Requests 2, 4 and 6 of Plaintiff's subpoena to the OIG, are documents that OIG received from CDCR, totaling approximately 1,544 pages; and second, responsive to Requests 1, 3, 5, and 7 of Plaintiff's subpoena to the OIG, are documents that OIG generated, totaling 56 pages. On May 22, 2025, Plaintiff submitted a letter brief to the court arguing that OIG should produce both categories of documents identified by the OIG. On May 23, 2025,

1 all parties and the OIG appeared, through their respective counsel, before the Court
2 for a Pre-Motion Conference.

3 **GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED:**

4 The Court will hold a Pre-Motion Conference on the asserted privileges on
5 June 24, 2025, at 1:00 p.m. (Central Time), 11:00 a.m. (Pacific Time).

6 In preparation for the Pre-Motion Conference, the OIG is to produce the
7 Category 1 documents back to the CDCR, through counsel Jeremy Duggan forthwith.
8 CDCR can then review the documents that it originally produced to the OIG and
9 determine which of those documents have already been produced to Plaintiff. If
10 Category 1 documents exist that are responsive to Requests 1, 3, 5, and 7, and have not
11 been produced to Plaintiff, CDCR can prepare a privilege log for those documents and
12 assert any claimed privilege. The privilege log shall identify documents and set forth any
13 asserted privilege. As CDCR does not know which of its documents the OIG relied on
14 in making OIG's determinations, CDCR does not have to identify documents by
15 request number. However, CDCR and OIG should be able to work together to identify
16 documents by request number should the Court make that request at the Pre-Motion
17 Conference on the asserted privileges on June 24, 2025. CDCR shall submit a
18 privilege log by June 6, 2025. CDCR shall make available responsive documents for
19 the Court's *in camera* review by the time of the Court's Pre-Motion Conference on
20 the asserted privileges on June 24, 2025.

21 Regarding Category 2 documents, the OIG is to produce to the Court for *in*
22 *camera* review the OIG-generated documents responsive to Requests 2, 4 and 6, and file
23 a privilege log by June 6, 2025. The privilege log shall identify documents, specify to
24 which request each document is responsive, and set forth any asserted privilege.

25 Plaintiff shall file her response to the privilege logs by June 13, 2025.

26 On May 15, 2025, the Court set June 13, 2025, as the hearing date to address
27 CDCR's privilege log related to third-party Jaime Osuna's statements "about his
28 homicidal ideations and thoughts that may, or may not have, been made in the context

1 of obtaining mental health treatment.” See Dkt. 156. The Court continues that hearing
2 to June 24, 2025, at 1:00 p.m. (Central Time), 11:00 a.m. (Pacific Time). CDCR
3 shall submit a privilege log by June 6, 2025. CDCR shall make available
4 responsive documents for the Court’s *in camera* review by the time of the Court’s
5 Pre-Motion Conference on the asserted privileges on June 24, 2025.

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9 DATED: June 6, 2025

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Presented By:

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/s/ Erin Darling
ERIN DARLING Attorney
for Plaintiff

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Lee H. Rosenthal

Lee H. Rosenthal
Senior United States District Judge